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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/736,967   | 12/13/2000  | Cheng-Lee Nee        | CISCP657            | 8247             |
| 26541  | 7590        | 12/15/2004           | EXAMINER            |                  |
| RITTER, LANG & KAPLAN<br>12930 SARATOGA AE. SUITE D1<br>SARATOGA, CA 95070 |             |                      | TON, DANG T         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2666                |                  |

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/736,967

Applicant(s)

NEE ET AL.

Examiner

DANG T TON

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,9-10,14-16,20-22, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Weitz ( 6,445,682).

Regarding claims 1, 15, 20, 21 and 26 Weitz discloses a packet forwarding system, comprising:

(a) an interface system (communication system 50 fig. 3) for receiving packets and having a plurality of channels (communicate over ports 26 which includes packet bus 80 col. 5 Line 63-64),

(b) a plurality of framing service engines (plurality of multi-protocol framing/de-framing engines col. 7 line 55), and

(c) a channel manager (host processor/system resource 70 fig. 3) for assigning channels to ones of the framing service engines (provides routing to multiple buffer/framers col. 2 Lines 39 -43) , wherein the channel manager dynamically assigns the channels ( see column 3 lines 51-53 and column 11 line 55) .

Regarding claims 2, 16, 22 and 27 Weitz discloses the channel manager is configured to receive data about the framing service engines (buffer/framer is controlled by processor/system resources 70 via control Lines 92 fig. 3 col. 8 Lines 7-9).

Regarding claim 9, Weitz discloses a packet processing system comprising: an interface system (communication system 50 fig. 3) comprising a plurality of network interfaces said interface system terminating a plurality of point to point Links (coupled to TDM bus 78, are interface cards 82 to support various telecommunication devices provided with points of termination fig. 3 col. 8 Line 59-60)., and a framing system (buffer/framer 72 fig. 3) providing framing services to support said plurality of network interfaces in terminating said plurality of point to point Links ,wherein the framing system comprises a plurality of framing service engines and a channel manager, the channel manager being arranged to actively allocate framing service engine one of the plurality of point to point links ( see column 28 line 65 ).

Regarding claim 10, Weitz discloses a framing system comprises a plurality of framing service engines (Buffer/framer 72 includes a plurality of multi-protocol framing/deframing engines col. 7 Line 53-55).

Regarding claim 14, Weitz discloses a plurality of point to point Links operate according to PPP (router/bridge 83 interfaces and functionality coupled to LAN bus 81, thus communicating between packet buses 80 col. 9 lines 66-67\*, col. 10 Lines 1-4) and said framing system provides framing services in accordance with HDLC protocol (a plurality of HDLC framers/deframers 73B fig. 3).

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8,11-13,17-19,23-25, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weitz in view of Beever et al. ( 5,699,356).

In regards of claims 3, 11, 17, 23 and 28, Weitz discloses all the limitations of claims 1,9, 15, 21 and 26. Weitz does not disclose channel assignment on the basis of data received about the framing service engine. Beever et al. teaches channel assignment via a controller in responds to request from host col.4 Lines 50-62. It is well known in the art to have a larger processor directing traffic for the payloads of the smaller processor entities. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weitz according to Beever et al. to include a management/control function in order to increase data communication networks by accommodating demands for fast and reliable services via routers.

Regarding claim 4, 18, 24 and 29 Weitz discloses data including information about utilization of framing service engines (buffer/framer transfers raw or protocol-processed data col. 8 lines 4-5).

Regarding claims 5, 12, 19, 25 and 30 Weitz discloses a framing memory (buffer 71 fig3) for buffering communication between the interface system and the plurality of framing service engines (buffer/framer 72 includes buffer 71 coupled to plurality of multi-protocol framing/deframing engines col. 7 lines 53-55).

Regarding claims 6, 13 and 31 Weitz discloses at least one framing service engine is configured to frame packets and at least one framing service engine is configured to deframe packets (a plurality of framers and deframers col. 7 line 54-55).

Regarding claims 7 and 32 Weitz discloses framing service engines configured to operate on AHDLC packets (a plurality of HDLC framers/deframers which may be synchronous or asynchronous col. 7 line s 55-57).

Regarding claims 8 and 33 Weitz discloses a plurality of network interfaces terminating a plurality of point-to-point links (network services under control of processor/system resources may include points of termination col. 9 lines 2-4).

4. Applicant's arguments filed 7/22/2004 have been fully considered but they are not persuasive.

In the remarks of 7/22/2004, applicant traverses the rejection of the claims under 35 U.S.C 102 and 103. The traversal is based on the ground that Writz reference does not teach of assigning channels to frame service engines; point to point links, and dynamically assigning channels in a communications network. Those arguments are not found to be persuasive. Applicant's attention is directed at column 3 lines 51-53, column 11 line 55 and column 12 lines 3-5 wherein it teaches assigning channels to frame service engines and dynamically assigning channels in a communications network; and column 28 line 65 wherein it teaches the point to point link.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



DANG TON  
PRIMARY EXAMINER